APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,189	04/09/2001	John S. Moore	067808:0118	9213

22922   7590   03/14/2003

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EXAMINER
CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 03/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-8_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-8_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

Information Disclosure Statement

Receipt is acknowledged of Applicant's Information Disclosure Statement of 4-9-

2001, which has been placed in the application file and considered by the Examiner.

Drawings

The drawings are not objected to by the Examiner.

Specification

Please review the application and correct all informalities.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Kay et al.

(6,377,269)

Regarding claim 1, Kay et al discloses that the claimed feature of a method for rendering an image layer scene, comprising the steps of: (a) defining a scene of image layer elements ["foreground", "background" having an image and a mask]; (b) rendering the elements of the image layer [" first image of foreground"] scene over a black background ["first unique background"] to obtain RGB components ["color information"] for each pixel of the image layer scene rendered over black; (c) rendering the elements of the image layer ["second image of foreground"] scene over a white background ["second unique background"] to obtain RGB components for each pixel of the image layer scene rendered over white; and (d) combining ["compositing"] the RGB components for each pixel of the image layer scene rendered over black with the RGB components for each corresponding pixel of the image layer scene rendered over white to form the rendered image layer scene ["third image of foreground"]. (See Abstract, col 2 line 14-26, col 36-62, col 3 line 43-47, col 4 line 66-col 5 line 15, col 5 line 30-49)

Regarding claim 2, Kay et al discloses that the step of combining the RGB components for each pixel of the image layer scene rendered over black with the RGB components for each corresponding pixel of the image layer scene rendered over white includes the steps of, for each corresponding pixel of the image layer scenes rendered over black and white (See Abstract, col 2 line 14-26, col 36-62, col 3 line 43-47, col 4 line 66-col 5 line 15, col 5 line 30-49): (a) determining an alpha value ["mask part; transparency"] for the pixel as one plus the value of a color component of the pixel from the image layer scene rendered [background_1] over black minus the value of the same

color component of the corresponding pixel from the image layer scene rendered over white [background_2] [manipulated by calculations 40,42 and 44]; (b) setting all of the RGB color component values of the pixel to zero if the alpha value for the pixel equals zero; (c) otherwise setting the RGB color component values of the pixel to the corresponding color component values of the corresponding pixel from the image layer scene rendered over black divided by the alpha value for the pixel [manipulated by calculations 46 and 48]. (See col 5 line 16-30, col 5 line 60-col 6 line 25, col 7 line 7-col 8 line 7)

Regarding claim 3, Kay et al discloses that the step of determining an alpha value for the pixel includes the step of determining the alpha value for the pixel as one plus the value of a red component of the pixel from the image layer scene rendered over black minus the value of the red component of the corresponding pixel from the image layer scene rendered over white. (See col 5 line 16-30, col 5 line 60-col 6 line 25, col 7 line 7-col 8 line 7)

Regarding claim 4, refer to the discussion for the claim 1 hereinabove, Kay et al discloses that the claimed feature of a method for rendering a multi-layer image, comprising the steps of: (a) rendering a background image layer; (b) saving the background image layer; (c) creating a foreground image layer scene of foreground image layer elements; (d) rendering the elements of the foreground image layer scene over a black background to obtain RGB components for each pixel of the foreground

image layer scene rendered over black; (e) rendering the elements of the foreground image layer scene over a white background to obtain RGB components for each pixel of the foreground image layer scene rendered over white; (f) combining the RGB components for each pixel of the foreground image layer scene rendered over black with the RGB components for each corresponding pixel of the foreground image layer scene rendered over white to form a rendered foreground image layer; and (g) compositing the background image layer and the foreground image layer to form a multi-layer image. (See Abstract, col 2 line 14-26, col 36-62, col 3 line 43-47, col 4 line 66-col 5 line 15, col 5 line 30-49)

Regarding claims 5-6, claims 5-6 are similar in scope to the claims 2-3, and thus the rejections to claims 2-3 hereinabove are also applicable to claims 5-6.

Regarding claim 7, refer to the discussion for claim 1 hereinabove, Kay et al discloses that the steps of providing a third image layer and compositing the background image layer, the foreground image layer, and the third image layer to form a multi-layer image ["multiple layers"] with the third image layer appearing between the background image layer and the foreground image layer in the composited multi-layer image. (See Abstract, col 2 line 14-16, col 4 line 66-col 5 line 15)

Regarding claim 8, Kay et al discloses that the step of rendering a background image layer includes the step of rendering an RGB background image layer [RGB _background]. (See col 5 line 60-col 6 line 25, col 7 line 7-col 8 line 7)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:
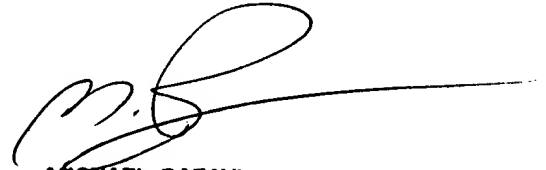
(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

djc
February 24, 2003

MICHAEL RAZAVI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600